

IN THE MATTER OF THE COMPLAINT OF SCOTT LARSEN and DEBBIE LARSEN, owners, for exoneration from, or limitation of, liability,)	Case No.: 2:21-0390 JAM AC
)	AMENDED JOINT STIPULATION AND ORDER RE: MODIFICATION OF PRE- TRIAL SCHEDULING ORDER
Plaintiffs,)	Action Filed: March 3, 2021
)	Trial Date: March 13, 2023
)	
)	

Claimants Hanover Insurance Company, Atlantic Specialty Insurance Company, Standard Fire Insurance Company, Ace American Insurance Company, Clinton and Kathy Jones, Markel American Insurance Company, Ox Bow Marina and Plaintiffs Scott and Debbie Larsen submit the following stipulation and proposed order seeking to extend certain discovery deadlines provided in the Court's Status (Pre-trial Scheduling) Order dated May 19, 2021 (Docket No. 31).

In the May 19, 2021 Order, the Court set the following dates:

- Expert disclosures to be made by: July 15, 2022
- Supplemental disclosure and disclosure of rebuttal experts: July 29, 2022
- Discovery to be completed by: September 16, 2022
- Dispositive motions to be filed by: October 28, 2022
- Dispositive motions to be heard on: December 6, 2022 at 1:30 p.m.

- Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery (September 2, 2022)
- Final pre-trial conference: January 27, 2023 at 11:00 a.m.
- Trial: March 13, 2023 at 9:00 a.m.

The parties have met and conferred and agree that a continuance of the deadlines for expert disclosures, supplemental disclosures and discovery cut off would be appropriate given the status of discovery as well as the status of settlement negotiations. This action arises out of an explosion and fire at the Ox Bow Marina on September 14, 2020. Several depositions have been completed recently, the transcripts from which require review before expert reports can be prepared. Additional depositions are anticipated including the depositions of Plaintiffs, Scott and Debbie Larsen. In addition, due to ongoing repairs at the Ox Bow Marina, discovery regarding the circumstances relating to the incident and the damages incurred by the marina as a result of the incident continue to be undetermined. The parties cannot adequately prepare expert reports until discovery is complete and cannot adequately engage in settlement negotiations until damages can be better determined.

Pursuant to the Monition and order on application for publications, all claims were to be filed on or before April 18, 2021 (Docket Nos. 7, 8). On or about April 20, 2021, Elaine Ilderton filed a request for an extension of time to file her claim (Docket No. 20). The Court granted Ms. Ilderton's request for a 90-day extension to file her claim (Docket No. 21), giving a new filing and service deadline of July 21, 2021. No separate claim by Ms. Ilderton has been filed in this limitation action. Therefore, based on the foregoing facts and pursuant to FRCP Title XIII Rule F(4), Ms. Ilderton does not have a separate claim in this limitation action, making her signature on this Stipulation unnecessary.

On July 13, 2022, the following modified schedule was proposed as one that the Court could accommodate. The parties agree and stipulate that the current Pre-trial Scheduling Order, dated May 19, 2021 (Docket No. 31), should be modified to adopt the following dates and deadlines:

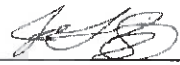
- Expert disclosures to be made by: August 15, 2022
- Supplemental disclosure and disclosure of rebuttal experts: August 29, 2022
- Discovery to be completed by: October 17, 2022

- Dispositive motions to be filed by: November 25, 2022
- Dispositive motions to be heard on: January 24, 2023 at 1:30 p.m.
- Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery (October 3, 2022).
- Final pre-trial conference: March 10, 2023 at 10:00 a.m.
- Trial: April 24, 2023 at 9:00 a.m.

IT IS SO STIPULATED:

Dated: July 15, 2022

POWERS MILLER

By: 
John P. Sciacca, Esq.
Katherine Marlink, Esq.
Attorneys for Plaintiffs SCOTT LARSEN
and DEBBIE LARSEN

Dated: July 15, 2022

LAW OFFICE OF VICTORIA A. TURCHETTI

By: /s/ Michael S. Leavy
Michael S. Leavy, Esq.
Attorneys for Claimant ATLANTIC
SPECIALTY INSURANCE COMPANY

Dated: July 15, 2022

GIBSON ROBB & LINDH LLP

By: /s/ C. Joseph Ou
C. Joseph Ou, Esq.
Attorneys for Claimants STANDARD FIRE
INSURANCE COMPANY and ACE
AMERICAN INSURANCE COMPANY

1 Dated: July 14, 2022

**COX WOOTON LERNER GRIFFIN &
HANSEN LLP**

2
3 By: 

Neil S. Lerner, Esq.

Attorneys for Claimants CLINTON JONES
and KATHY JONES

4
5
6 Dated: July 15, 2022

NOMA LAW FIRM

7
8 By: 

Sally Noma, Esq.

Attorneys for Claimant MARKEL
AMERICAN INSURANCE COMPANY

9
10
11 Dated: July 15, 2022

**BERMAN BERMAN BERMAN SCHNEIDER
& LOWARY LLP**

12
13 By: 

Ellen Y. Hung, Esq.

Attorneys for Claimant OX BOW MARINA

14
15
16
17 Dated: July 12, 2022

**GROTEFELD HOFFMANN
GORDON & OCHOA, LLP**

18
19 By: 

Margaret L. Sell, Esq.

Attorneys for Claimant HANOVER
INSURANCE COMPANY

ORDER

Based on the stipulation of the parties and good cause appearing, the Pre-trial Scheduling Order of May 19, 2021, is modified as follows:

- Expert disclosures to be made by: August 15, 2022
- Supplemental disclosure and disclosure of rebuttal experts: August 29, 2022
- Discovery to be completed by: October 17, 2022
- Dispositive motions to be filed by: November 25, 2022
- Dispositive motions to be heard on: January 24, 2023 at 1:30 p.m.
- Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery (October 3, 2022).
- Final pre-trial conference: March 10, 2023 at 10:00 a.m.
- Trial: April 24, 2023 at 9:00 a.m.

IT IS SO ORDERED.

Dated: July 15, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT COURT JUDGE